

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DAVID D. HARRIS,

Plaintiff,

v.

J. DUBE,

Defendant.

No. 2:23-CV-1664-WBS-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On July 8, 2024, the Magistrate Judge filed findings and recommendations herein which were served on the parties, and which contained notice that the parties may file objections within the time specified therein. Following Plaintiff's notice of change of address, the findings and recommendations were re-served on Plaintiff at his new address on July 25, 2024. No objections to the findings and recommendations have been filed.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and the Magistrate Judge's analysis.

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Accordingly, IT IS HEREBY ORDERED as follows:

1. The findings and recommendations filed July 8, 2024, ECF No. 30, are adopted in full.
2. Defendant's motion to dismiss, ECF No. 18, is DENIED.
3. Defendant shall file an answer to Plaintiff's complaint within 30 days of the date of this order.
4. This matter is referred back to the assigned Magistrate Judge for further proceedings.

Dated: August 29, 2024



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE